

MAR 20 2020

STATE OF ARIZONA
DEPARTMENT OF INSURANCE

DEPT OF INSURANCE

BY 3/20/2020 Jy

In the Matter of:

LORENZO, JAZMIN

(National Producer No. 18940639)

No. 19A-067-INS

ORDER

Respondent.

On March 16, 2020, the Office of Administrative Hearings through Administrative Law Judge Kay Abramsohn issued an Administrative Law Judge Decision ("Recommended Decision") received by the Director of the Arizona Department of Insurance ("Director") on March 17, 2020, a copy of which is attached and incorporated by reference. The Director has reviewed the Recommended Decision and enters the following:

1. The Director adopts the Recommended Findings of Fact and Conclusions of Law, except to correct the following:

Page 1, line 15, should read "insurance **producer** with line of authority in accident and health **or sickness** insurance",

Page 1, line 19, should read "Tempe Arizona 85823",

Page 2, line 16, should read "Case Number F07-039394".

2. The Director adopts the Recommended Order and orders that Jazmin Lorenzo's insurance producer license number 18940639 is revoked, effective immediately.

NOTIFICATION OF RIGHTS

Pursuant to Arizona Revised Statutes ("A.R.S.") § 41-1092.09, Respondent may request a rehearing or review with respect to this Order by filing a written motion with the Director of the Department of Insurance within 30 days after the date of this Order, setting forth the basis for relief under Arizona Administrative Code R20-6-114(B). Pursuant to A.R.S. § 41-1092.09, it is not necessary to request a rehearing before filing an appeal to the

1 Superior Court.

2 Respondent may appeal the final decision of the Director to the Superior Court of
3 Maricopa County for judicial review, pursuant to A.R.S. § 20-166. A party filing an appeal
4 must notify the Office of Administrative Hearings of the appeal within ten days after filing
5 the complaint commencing the appeal, pursuant A.R.S. § 12-904(B).

6 DATED this 20th day of March, 2020.

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9 _____
10 Scott Greenberg, Deputy Director
11 for Christina Corieri, Interim Director
12 Arizona Department of Insurance
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17 **COPY** of the foregoing electronically transmitted
18 this 20th day of March, 2020, to:

19 Kay Abramsohn, Administrative Law Judge
20 Office of Administrative Hearings
21 <https://portal.azoah.com/submission>

22 **COPY** of the foregoing **MAILED** same date by
23 U.S. First-Class Mail and Certified Mail,
24 Return Receipt Requested to:

25 Jazmin Lorenzo
26 6815 South McClintock Drive, #2210
Tempe, AZ 85283
Respondent

1 **COPY** of the foregoing delivered same date to:

2 Deian Ousounov, Regulatory Legal Affairs Officer
3 Ana Starcevic, Paralegal Project Specialist
4 Steven Fromholtz, Division Manager
5 Aqueelah Currie, Licensing Supervisor
6 Linda Lutz, Legal Assistant
7 Arizona Department of Insurance
8 100 North 15th Avenue, Suite 261
9 Phoenix, Arizona 85007-2630

10 **COPY** of the foregoing electronically transmitted, same date, to:

11 Jazmin Lorenzo
12 Jazminlorenzo5@aol.com
13 Jazmin.Lorenzo@guidwellconnect.com
14 Respondent

15 Lynette Evans, Assistant Attorney General
16 AdminLaw@azag.gov
17 Attorney for the Arizona Department of Insurance

18 
19 Francine Juarez

IN THE OFFICE OF ADMINISTRATIVE HEARINGS

In the Matter of:

No. 19A-067-INS

LORENZO, JAZMIN
(National Producer No. 18940639)
Respondent.

**ADMINISTRATIVE LAW JUDGE
DECISION**

HEARING: February 26, 2020.

APPEARANCES: Assistant Attorney General Lynette Evans represented the Arizona Department of Insurance (Department). Jazmin Lorenzo (Respondent) failed to appear.

ADMINISTRATIVE LAW JUDGE: Kay Abramsohn

FINDINGS OF FACT

1. At all times relevant, Respondent was licensed by the Department as an Arizona resident insurance provider with line of authority in accident and health insurance, under National Producer Number 18940639.¹ First licensed in October 2018, Respondent's license currently expires on April 30, 2022.

2. Respondent's addresses with the Department are as follows: 1601 W. Fountainhead Parkway, Tempe Arizona 8582 (Business); 6815 S. McClintock Dr. #2210, Tempe, Arizona 85283 (Mailing); and, Jazmin.Lorenzo@guidewellconnect.com (Business email).

3. On or about October 11, 2018, Respondent submitted an online license application with the Department.² Respondent answered "No" to the following Background Question:

1B. Have you ever been convicted of a felony, had a judgment withheld or deferred, or are you currently charged with committing a felony? You may exclude juvenile adjudications

¹ See Exhibit 1.

² See Exhibit 2.

(offenses where you were adjudicated delinquent in a juvenile court).³

4. In that 2018 Application, Appellant responded 'Yes' to the Attestation section of the application, certifying that all information in and attached to the application was "true and complete." The Attestation section goes on to state that the person is aware that submission of false information or the failure to provide pertinent information was "grounds for license revocation or denial of the license..."

5. On or about October 26, 2007, the Circuit Court of the Eleventh District In and For Miami-Dade County Florida filed the following document: Finding of Guilt and Order of Withholding Adjudication/Special Conditions in the case of State of Florida v Jazmin K. Lorenzo, Case No. F07-033389, for Cocaine Possession, a Class 3 Felony.⁴ The adjudication of guilt was stayed and withheld, fines in the amount of \$523.00 were assessed, and sentence was suspended.

6. On or about August 24, 2009, the Circuit Court of the Eleventh District In and For Miami-Dade County Florida filed the following document: Finding of Guilt and Order of Withholding Adjudication/Special Conditions in the case of State of Florida v Jazmin K. Lorenzo, Case No. F07-039294, for Controlled Substance Possession, a Class 3 Felony.⁵ The adjudication of guilt was stayed and withheld, fines in the amount of \$733.00 were assessed, and Respondent was placed on probation.

7. The Department noticed an administrative hearing in this matter, and Respondent failed to appear at the date and time of the noticed hearing.

8. At the hearing, the Department requested that Respondent's license be revoked based on Respondent not being truthful on her application, indicating that such non-truthfulness is an indication that she cannot be regulated. While the criminal matters took place more than ten years ago, the fact that Respondent was not truthful on her application

³ The hearing record is redacted as to Respondent's date of birth. On her application, as to August of 2013 through October of 2014, Respondent indicated she was a stay-at-home mother. See Exhibit 2.

⁴ See Exhibit 3. There is no indication that the 2007 court proceedings were regarding Respondent as a juvenile.

⁵ See Exhibit 4. There is no indication that the 2009 court proceedings were regarding Respondent as a juvenile.

1 signals a poor possibility that Department would be able to regulate Respondent as a
2 licensee under the Department's responsibility to protect the public.

3 CONCLUSIONS OF LAW

4 1. This matter lies within the Department's jurisdiction.⁶

5 2. The Department bears the burden of proof to establish cause to discipline
6 Respondent's license by a preponderance of the evidence.⁷

7 3. "A preponderance of the evidence is such proof as convinces the trier of fact
8 that the contention is more probably true than not."⁸

9 4. The Department established that Respondent's conduct, as described above,
10 constituted obtaining a license through misrepresentation, within the meaning of A.R.S.
11 § 20-295(A)(3). Such conduct is a violation of applicable statutes and rules within the
12 meaning of A.R.S. § 20-295(A).

13 5. Respondent's conduct, as described above, provides grounds for the Director
14 of the Department to suspend or revoke the license pursuant to A.R.S. § 20-295(A).

15 6. Based on the hearing record, the Administrative Law Judge concludes that
16 the Department's action to revoke the stated license should be affirmed.

17 RECOMMENDED ORDER

18 Based on the foregoing, it is recommended that the Director revoke Respondent
19 Jazmin K. Lorenzo's National Producer License No. 18940639.

20 *In the event of certification of the Administrative Law Judge Decision by the*
21 *Director of the Office of Administrative Hearings, the effective date of the Order will be*
22 *five days from the date of that certification.*

23 Done this day, March 16, 2020.

24 /s/ Kay Abramsohn
25 Administrative Law Judge
26

27 ⁶ See Arizona Revised Statutes (A.R.S.) § 20-340 *et seq.*

28 ⁷ See A.R.S. § 41-1092.07(G)(2); A.A.C. R2-19-119(A) and A.A.C. R2-19-119(B)(1); *see also Vazanno v.*
29 *Superior Court*, 74 Ariz. 369, 372, 249 P.2d 837 (1952).

30 ⁸ MORRIS K. UDALL, ARIZONA LAW OF EVIDENCE § 5 (1960).

1 Transmitted electronically to:

2 Keith A. Schraad, Director
3 Arizona Department of Insurance
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